



U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 28, 2005

The Honorable John Conyers, Jr.
Ranking Minority Member
Committee on the Judiciary
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Conyers:

This is in response to your letter of April 25, 2005, to Attorney General Alberto Gonzales requesting that the Department of Justice investigate the conduct of New York City Police Department ("NYPD") officers both during and after the Republican National Convention in New York City between August 30 and September 2, 2004. You also request that the Department investigate the prosecutors pursuing the arrests made by the NYPD during the convention. Specifically, you allege that police officers engaged in a pattern of conducting unreasonable searches and seizures, perjury, evidence tampering, and providing false testimony during court proceedings. Additionally, you contend that citizens were denied the right to a fair trial and may have been victims of prosecutorial misconduct. We are sending an identical response to the five other signatories to the letter.

Your letter offers information in support of your belief that conduct by NYPD officers and prosecutors may implicate certain civil and criminal federal civil rights statutes. The Special Litigation Section of the Civil Rights Division is authorized to investigate allegations that police departments are engaging in a pattern or practice of conduct that deprives persons of constitutional or other federal rights, privileges, or immunities, pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141. The Civil Rights Division's Criminal Section is authorized to prosecute intentional acts by law enforcement officials who misuse their positions to unlawfully deprive individuals of constitutional rights pursuant to 18 U.S.C. §§ 241 and 242. At the same time, the Department does not have the authority to represent individuals or pursue claims of alleged misconduct on their behalf.

Since you allege that certain NYPD officers engaged in a pattern of unconstitutional misconduct, the Special Litigation Section will examine your information, along with any other relevant information they receive, to determine whether action is warranted under the Section's statutory authority. Your allegations that (1) certain NYPD officers committed intentional acts and (2) New York City prosecutors engaged in misconduct during court proceedings have been submitted to the Criminal Section for its review and examination.

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Please do not hesitate to contact the Department if we can be of assistance in other matters.

Sincerely,



William E. Moschella
Assistant Attorney General

cc: The Honorable F. James Sensenbrenner
Chairman